

## REMARKS

### REVIEW

The current application sets forth claims 1-6 of which claims 1, 2 and 3 are independent claims. Claim 4 is presently withdrawn. Presently, no claims have been indicated as allowed in view of the prior art. Claims 3 and 4 stand collectively rejected under 35 U.S.C. § 102(b), as being anticipated by Pankonen et al. (US Patent No. 4,893,325). Further, claims 1, 2, 5, and 6 stand collectively rejected under 35 U.S.C. § 103(b) as being unpatentable over Pankonen in view of McFarlane et al. (US Patent No. 6,453,038).

### DRAFTSPERSON'S REVIEW OF DRAWINGS

It is hereby noted that no formal review of Applicant's drawings by a Draftsperson was included with such Office Action. Until such time as indicated by either the Examiner or the Draftsperson, Applicant hereby presumes the originally submitted drawings to be sufficient and fully in compliance with the requirements of 37 C.F.R 1.84.

### 35 U.S.C. § 102(b) REJECTION

With respect to the 35 U.S.C. § 102(b) rejection of claims 3 and 4, and in view of the amendments and significant distinctions discussed herein, Applicant respectfully traverses such ground of rejection with the above amendments and the following remarks. As briefly discussed above, the present invention encompasses certain aspects that distinguish it from the proposed reference. It is respectfully submitted that the reference, Pankonen, merely serves to demonstrate

the patentability of Applicant's claimed invention. Specifically, Pankonen fails to adequately disclose every element of the claimed invention and as such cannot serve at law as an anticipating reference to the present invention under 35 U.S.C. § 102.

Before setting forth a discussion of the prior art applied in the Office Action, it is respectfully submitted that controlling case law has frequently addressed rejections under 35 U.S.C. § 102. "For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference." Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 677, 7 U.S.P.Q.2d 1315, 1317 (Fed. Cir. 1988; emphasis added). The disclosed elements must be arranged as in the claim under review. See Lindemann Machinefabrik v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). If any claim, element, or step is absent from the reference that is being relied upon, there is no anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 230 U.S.P.Q. 81 (Fed. Cir. 1986; emphasis added). The following analysis of the present rejections is respectfully offered with guidance from the foregoing controlling case law decisions.

Independent claims 1, 2, and 3 as amended set forth an apparatus and method for the handling of emergency service requests over a communications network. More specifically, the present invention claims the use of a single central facility for the receipt of such calls, their analysis and ultimately, a determination of which Public Safety Answering Point (i.e., emergency operator at a specific call center) should handle such call. The use of a multi-tiered system allows for the reduction in required equipment at each call center by placing independent servers with access to

ANI and ALI databases at one central facility that can feed both the call and the data to the best call center (i.e., closest, pre-designated to cover an area, least busy, etc.).

Pankonen is primarily directed to a PSAP System for including ACD (Automatic Distribution) features to smaller municipalities by integrating them into the system. These features include queuing calls for order of arrival service, equitable distribution of calls between attendants, and detailed call traffic reports and have generally only been available in larger cities due to cost. It is not directed to a multi-tiered call response system servicing multiple PSAP based on data associated with each call and analyzed at a centralized facility remote from such PSAPs.

Based upon the above-described distinctions and the above amendments, it is believed that claim 3 as amended is now in condition for allowance. Further, claims 5 and 6, which depend from claim 3 are believed in condition for allowance. Acknowledgement of the allowance for claims 3, 5, and 6 is earnestly solicited.

### 35 U.S.C. § 103(a) REJECTION

With respect to the 35 U.S.C. § 103(a) rejection of claims 1, 2, 5, and 6, and in view of the amendments and significant distinctions discussed herein, Applicant respectfully traverses such grounds of rejection with the above amendments and the following remarks. As briefly discussed above, the independent claims of the present invention encompasses certain aspects that distinguish them from the proposed base reference Pankonen. The proposed secondary reference, McFarlane, respectfully, fails to overcome the base reference shortcomings.

As discussed herein, each of claims 1 and 2 (as currently amended) are specifically directed to a multi-tiered emergency call system and methodology allowing a single central service center to receive, analyze and forward such emergency calls based on their associated ANI and ALI information to the most appropriate PSAP (i.e., emergency operator).

An invention is only obvious under 35 U.S.C. § 103(a) if “the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *See* 35 U.S.C. § 103(a); emphasis added. The task of proving obviousness is not merely establishing that all of the elements of a claimed invention would have been obvious. It must be shown that the particular combination of elements used to form the whole invention would have been obvious.

As above argued, Pankonen fails to address the use of a multi-tiered system with a centralized service/analysis mode for determining the most appropriate call center to redirect the emergency services call. McFarlane, the proposed secondary reference, fails to overcome this shortcoming of Pankonen, as McFarlane is directed to a system for integrating database access and not to a multi-tiered system with a centralized service center servicing multiple PSAPs based on information it analyzes and which is associated with each call.

As such, it is believed that based upon the above-described distinctions and the above amendments, claims 1, 2, 3, 5 and 6 are now in condition for allowance. Acknowledgement of the same is earnestly solicited.

**CITED RELEVANT PRIOR ART**

It is not believed that any of the prior art cited either by the Examiner or the Applicant, alone or in combination either with each other or other cited prior art teaches, discloses, suggests or makes obvious the claimed features of the present invention.

**CONCLUSION**

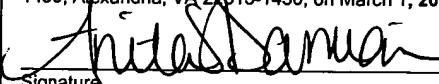
In view of the foregoing amendments and comments, Applicants respectfully request withdrawal of the current grounds of rejection and the issuance of a formal Notice of Allowance. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this amendment in order to permit early resolution of the same.

Respectfully submitted,

3/11/2004  
Date

  
Anita S. Damian  
Reg. No. 46,056

LANIER FORD SHAVER & PAYNE P.C.  
Customer Number 021491  
P.O. Box 2087  
Huntsville, Alabama 35804-2087  
Phone: (256) 535-1100  
Fax: (256) 533-9322

<b>Certificate of Mailing under 37 C.F.R. § 1.8</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope address to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 1, 2004.	
 Signature	
Anita S. Damian Printed Name of Person Signing Certificate	